

STATE OF VERMONT  
BOARD OF MEDICAL PRACTICE

In re: Jean Marie Prunty, M.D.

Docket No. MPS 91-1099

SECOND AMENDMENT TO STIPULATION AND CONSENT ORDER

NOW COME Jean Marie Prunty, M.D. (Respondent), and the State of Vermont, by and through Attorney General William H. Sorrell, and agree and stipulate as follows:

1. Jean Marie Prunty, M.D., Respondent, holds Vermont Medical License Number 042-0008373 which was issued by the Board of Medical Practice (Board) on July 18, 1991. Respondent's medical license is **CONDITIONED**, by Stipulation and Consent Order, approved by the Board of Medical Practice, entered and effective on March 17, 2000.

2. The Vermont Board of Medical Practice (Board), pursuant to 26 V.S.A. §§ 1353, 1354, & 1398 and 3 V.S.A. §§ 129, 129a, 809, & 814(c), has exercised its jurisdiction in this matter.

**I. Background.**

3. By the Stipulation and Consent Order, dated March 17, 2000, Respondent, *inter alia*, admitted that she suffered from addiction to controlled substances. Respondent fully cooperated with the Board's investigation of the circumstances. Respondent voluntarily and immediately agreed to suspension of her license to practice medicine during the Board's investigation, review of the facts, and evaluation of whether she could practice medicine safely.

4. The March 17, 2000 Stipulation and Consent Order imposed certain restrictions on Respondent's authority to handle, possess, and prescribe controlled substances. See Paragraphs 24 through 32, Stipulation and Consent Order of March 17, 2000.

5. Pursuant to the terms of the March 17, 2000 Stipulation, Respondent now has requested that she be permitted to resume prescribing controlled substances to her patients, subject to certain limitations and safeguards. The Board investigative committee assigned to this matter has determined following review that it is appropriate to recommend to the full Board that Respondent's request be granted, pursuant to amended terms and conditions of the March 17, 2000 Stipulation and Consent Order, set forth below. The Board in its sole discretion may immediately void these amended terms should it deem such action warranted by facts and circumstances that may come to its attention at a later date.

## II. Terms of Amendment.

6. The parties agree that the terms and conditions of the March 17, 2000 Stipulation and Consent Order may be amended as follows: the first sentence of Paragraph 25 shall be deleted in its entirety. The second sentence of Paragraph 25 shall be revised to read: "Respondent agrees that she shall not, other than by lawful prescribing, personally dispense, distribute, or otherwise make available to any patient or person any DEA schedule controlled substances, specifically including samples." The third sentence of Paragraph 25 shall be deleted in its entirety.

7. The parties agree that the terms and conditions of the March 17, 2000 Stipulation and Consent Order may be further amended as follows: The existing terms of Paragraph 26 shall be deleted in their entirety. The following language shall be substituted therefore: "Respondent may prescribe DEA schedule controlled substances for her patients, consistent with her full compliance with all applicable State and Federal law, regulation, and procedure. Respondent shall otherwise comply in full with all related terms of the amended March 17, 2000 Stipulation and Consent Order."

8. The parties agree that the terms and conditions of the March 17, 2000 Stipulation and Consent Order may be further amended as follows: The first and third sentences of Paragraph 27 shall be deleted in its entirety. The second sentence shall be revised to read as follows, "Respondent agrees she shall notify the Board in writing at such time as she seeks DEA registration or license for the prescribing of controlled substances."

9. The parties agree that the terms and conditions of the March 17, 2000 Stipulation and Consent Order may be further amended as follows: The first sentence of Paragraph 29 shall be deleted in its entirety. The second sentence shall be revised to read as follows: "In prescribing for patients Respondent shall adhere to a plan and to procedures intended to minimize her access and exposure to controlled substances, including samples." The following sentences shall immediately follow: "She shall not possess, keep, or administer controlled substances of any kind at her office or any other site where she may provide care."

She shall not accept, possess, or dispense samples of controlled substances." The remainder of Paragraph 29 shall remain the same. And see also Paragraph 30 of the March 17, 2000 Stipulation and Consent Order, as amended.

10. The parties agree that the terms and conditions of the March 17, 2000 Stipulation and Consent Order may be further amended as follows: the first sentence of Paragraph 30 shall have all language appearing prior to the word "Respondent" in line 3, deleted. The remainder of the first sentence and of Paragraph 30 shall remain the same. The parties agree that the following sentence may be added as the final sentence of Paragraph 30: "Medical records of patients or other individuals cared for by Respondent may be reviewed forthwith and at any time by the Board or its agents, pursuant to 18 V.S.A. § 4218(c), other applicable authorities, and the terms herein, to determine compliance with this agreement."

11. The above amendments to the March 17, 2000 Stipulation and Consent Order are intended to permit Respondent to resume prescribing controlled substances for her patients, subject to certain limitations and monitoring and subject to possible reversion to the original terms and conditions of the Stipulation and Consent Order, in the sole discretion of the Board.

12. Respondent acknowledges that she is voluntarily and knowingly agreeing to this amendment of her present (amended) Stipulation and Consent Order with the Board. Respondent has had the opportunity to be represented by counsel and to obtain advice of counsel as to this agreement.

### III. Terms as to Implementation.

13. Respondent agrees that by executing this Stipulation and Consent Order that the Board of Medical Practice may enter an order further amending the Stipulation and Consent Order of March 17, 2000, as described above. The parties agree that this amendment to the Stipulation and Consent Order shall be a public document, will be made part of Respondent's licensing file, and may be reported to other licensing authorities.

14. This Stipulation and Consent Order is subject to review and acceptance by the Vermont Board of Medical Practice and shall not become effective until presentation to and approval by the Board. If the Board rejects any part of this Stipulation and Consent Order, the instant agreement shall be considered void. However, should the terms and conditions of this Stipulation and Consent Order be deemed acceptable to the Board, the parties request that the Board enter an order amending Respondent's Stipulation and Consent Order, as described above, and that Respondent's medical license be subject to the amended terms and conditions as set forth herein.

15. Respondent agrees to continue to be bound by all terms and conditions of the Stipulation and Consent Order of March 17, 2000, as previously amended and as further amended herein. Respondent agrees that the Board of Medical Practice shall retain jurisdiction to enforce all terms and conditions of such amended Stipulation and Consent Order. Respondent expressly agrees that any failure by her to comply with the terms of the amended Stipulation and Consent Order, specifically including, but not limited to its reporting requirements, pre-approval requirements, and the provisions of Exhibit B, as attached thereto,

shall constitute unprofessional conduct under 26 V.S.A. §1354(25) and shall subject Respondent to such disciplinary action as the Board may deem appropriate.

Dated at Montpelier, Vermont, this 21<sup>st</sup> day of December, 2002.

STATE OF VERMONT

WILLIAM H. SORRELL  
ATTORNEY GENERAL

by:

James S. Arisman  
JAMES S. ARISMAN  
Assistant Attorney General

Dated at Montpelier, Vermont, this 29<sup>th</sup> day of November, 2002

Jean Marie Prunty  
JEAN MARIE PRUNTY, M.D.  
Respondent

FOREGOING, AS TO JEAN MARIE PRUNTY, M.D.,  
APPROVED AND ORDERED  
VERMONT BOARD OF MEDICAL PRACTICE

Margaret Beckett  
Rep. Calby  
John M. Maguire  
Pharma  
James J. Salovey  
Margaret Funk Martin

Katherine M. Ready  
ST. James

DATED: 12/4/02  
ENTERED AND EFFECTIVE: December 4, 2002

Draft 11/22/02; By James S. Arisman, AAG; Not Approved by BMP Until Executed Above

Office of the  
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